

In the Senate of the United States,

September 4, 2018.

Resolved, That the bill from the House of Representatives (H.R. 1109) entitled “An Act to amend section 203 of the Federal Power Act.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. CLARIFICATION OF FACILITY MERGER AUTHOR-***
2 ***IZATION.***

3 *Section 203(a)(1) of the Federal Power Act (16 U.S.C.*
4 *824b(a)(1)) is amended by striking subparagraph (B) and*
5 *inserting the following:*

6 *“(B) merge or consolidate, directly or indirectly,*
7 *its facilities subject to the jurisdiction of the Commis-*
8 *sion, or any part thereof, with the facilities of any*
9 *other person, or any part thereof, that are subject to*
10 *the jurisdiction of the Commission and have a value*
11 *in excess of \$10,000,000, by any means whatsoever;”.*

1 **SEC. 2. NOTIFICATION FOR CERTAIN TRANSACTIONS.**

2 Section 203(a) of the Federal Power Act (16 U.S.C.
3 824b(a)) is amended by adding at the end the following new
4 paragraph:

5 “(7)(A) Not later than 180 days after the date
6 of enactment of this paragraph, the Commission shall
7 promulgate a rule requiring any public utility that is
8 seeking to merge or consolidate, directly or indirectly,
9 its facilities subject to the jurisdiction of the Commis-
10 sion, or any part thereof, with those of any other per-
11 son, to notify the Commission of such transaction not
12 later than 30 days after the date on which the trans-
13 action is consummated if—

14 “(i) the facilities, or any part thereof, to be
15 acquired are of a value in excess of \$1,000,000;
16 and

17 “(ii) such public utility is not required to
18 secure an order of the Commission under para-
19 graph (1)(B).

20 “(B) In establishing any notification require-
21 ment under subparagraph (A), the Commission shall,
22 to the maximum extent practicable, minimize the pa-
23 perwork burden resulting from the collection of infor-
24 mation.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 *The amendment made by section 1 shall take effect 180*
 3 *days after the date of enactment of this Act.*

4 **SEC. 4. FEDERAL ENERGY REGULATORY COMMISSION RE-**
 5 **PORT.**

6 *(a) IN GENERAL.—Not later than 2 years after the*
 7 *date of enactment of this Act, the Federal Energy Regu-*
 8 *latory Commission shall submit to Congress a report that*
 9 *assesses the effects of the amendment made by section 1.*

10 *(b) REQUIREMENTS.—In preparing the report under*
 11 *subsection (a), the Federal Energy Regulatory Commission*
 12 *shall—*

13 *(1) take into account any information collected*
 14 *under paragraph (7) of section 203(a) of the Federal*
 15 *Power Act (16 U.S.C. 824b(a)) (as added by section*
 16 *2); and*

17 *(2) provide for public notice and comment with*
 18 *respect to the report.*

Attest:

Secretary.

115TH CONGRESS
2^D SESSION

H.R. 1109

AMENDMENT